THE HON'BLE MS JUSTICE G. ROHINI

W.P.No.27480 of 2005

Dated: 29-06-2006

Between:

Samayamanthula Nageswara Rao.

..Petitioner

and

Andhra Bank, rep. by its Branch Manager, Chintalapudi Branch, Main Road, Chintalapudi, West Godavari District and others.

..Respondents.

THE HON'BLE MS JUSTICE G. ROHINI

W.P.No.27480 of 2005

ORDER:

This writ petition is filed seeking a direction to the respondents not to dispossess the petitioner till the appeal pending on the file of the Debts Recovery Tribunal, Visakhapatnam, is decided.

2. The petitioner claims to be the owner of the property, which was brought to sale by the first respondent Bank. The impugned proceedings were initiated for recovery of the loan said to have been availed by the vendor of the petitioner.

3. This Court, while directing notice to the respondents, granted interim stay of dispossession subject to the condition that the petitioner deposits a sum of Rs.2,00,000/- before the first respondent Bank. It is not in dispute that the petitioner has accordingly deposited a sum of Rs.2,00,000/- on 05-01-2006. Subsequently, during the pendency of this writ petition, the principal borrower has settled the loan amount with respondents 1 and 2. Hence, the petitioner pleads that no further adjudication is necessary on merits and the respondents 1 and 2 may be directed to refund the sum of Rs.2,00,000/- deposited by the petitioner.

4. The said version of the petitioner, as stated in the affidavit filed in support of W.P.M.P.No.11755 of 2006, has not been disputed by the respondents 1 and 2. In the circumstances, the Writ Petition is disposed of with a direction to the respondents 1 and 2 to consider the request of the petitioner for refund of the sum of Rs.2,00,000/- (Rupees two lakhs) deposited by him in compliance with the orders of this court in W.P.M.P.No.35286 of 2005. If there is any objection for such refund, the respondents 1 and 2 are directed to communicate the reasons to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. No costs.

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G. ROHINI, J

Dated: 29-06-2006

sj